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2 United States Attorney

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Nov 17 3 50 PM '04

RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
NO. DIST. OF CAL. S.J.

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

11
12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 MICHAEL WILLIAM GOUVELA,

16 Defendant.
17

CR 04 20203

VIOLATIONS: 18 U.S.C. § 1341 - Mail
Fraud; 18 U.S.C. § 1343 - Wire Fraud; and
18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. §
2461(c) - Criminal Forfeiture

SAN JOSE VENUE

JV

HRI

18 INDICTMENT

19 The Grand Jury charges:

20 BACKGROUND

21 At all times relevant to this indictment:

- 22 1. eBay was an Internet auction website on which users bought and sold many items,
23 including collectible sports player cards. The site acted as a venue for sellers to list items for
24 auction and for buyers to bid on these items. Any electronic bids made on eBay during an
25 auction were routed through eBay's computer servers in San Jose, California.
- 26 2. Prior to buying or selling on the site, users were required to register with eBay by
27 providing a name, email address, telephone number and, in the case of sellers, a credit card
28 number. (eBay charged sellers a percentage of final sales.) As part of the registration process,

GOUVELA INDICTMENT

1 eBay also permitted a user to select a "User ID", which identified him or her to other eBay users
2 during auctions.

3 3. The defendant Michael W. Gouveia used at least the following eBay User IDs to host
4 auctions: "allnetallday" and "sports-world-inc".

5 4. Defendant Michael W. Gouveia used the following e-mail addresses from America
6 Online, Inc. ("AOL"): SportsWorldInc@aol.com, Wazzabbii@aol.com, and
7 allnetallday@aol.com.

8 COUNTS ONE THROUGH FIVE: (18 U.S.C. § 1341 - Mail Fraud)

9 5. The allegations in paragraphs 1-4 are realleged and incorporated herein as if set forth in
10 full.

11 SCHEME TO DEFRAUD

12 6. Between on or about June 3, 2002 and November 28, 2003, in the Northern District of
13 California, and elsewhere, defendant,

14 MICHAEL WILLIAM GOUVEIA,

15 did knowingly devise and intend to devise, and participated in, a scheme or artifice to defraud
16 eBay users by repeatedly hosting auctions for certain collectible sports cards, accepting payment
17 for the collectible sports cards, then failing to deliver the auctioned items as promised.

18 7. It was part of the scheme and artifice to defraud that defendant hosted auctions for
19 collectible sports player cards for sale on eBay using the "allnetallday" or "sports-world-inc"
20 User IDs, causing eBay users to place bids on these items. As a result of these auctions, the
21 winning eBay bidder or another eBay user contacted defendant to buy the auctioned items.

22 8. It was further part of the scheme and artifice to defraud that defendant caused the eBay
23 users to mail the defendant the payment for the collectible sports player cards, although
24 defendant had no intention of delivering the auctioned items to them. As part of the scheme, the
25 defendant failed to deliver the auctioned items as promised and kept the entire payments from the
26 buyers. As part of this scheme and artifice to defraud, the defendant listed the following
27 collectible sports player cards for auction on eBay, among others: (1) a 1986 Michael Jordan
28 Fleer Rookie Gem-10 card, (2) a 1951 Mickey Mantle Bowman #253 RC Gem-10 card, (3) Five

1 1986 Michael Jordan Fleer Rookie cards, and (4) a 1952 Topps Mickey Mantle RC #311 Gem-10
2 card. As part of this scheme and artifice to defraud, the defendant fraudulently received at least
3 \$34,000 from eBay users for his personal gain.

4 THE USE OF THE MAILS

5 9. The allegations in paragraphs 1-8, including the scheme to defraud described therein, are
6 realleged and incorporated herein as if set forth in full.

7 10. On or about the dates listed below, in the Northern District of California and elsewhere,
8 for the purpose of executing the aforementioned scheme and artifice to defraud and attempting to
9 do so, defendant,

10 MICHAEL WILLIAM GOUVEIA,

11 as more specifically set forth below, did knowingly cause to be sent, delivered, and moved by the
12 United States Postal Service, and any private or commercial interstate carrier, mail matter
13 containing payment for fraudulent auctions defendant hosted on eBay:

COUNT	DATE	ADDRESSEE	AUCTION	PAYMENT AMOUNT
1	06/8/02	JMG Cards 2199 Tennyson Road, Hayward, CA	1986 Michael Jordan Rookie Fleer Gem-10 Card	\$1,000
2	12/3/02	M.G. 2199 W Tennyson Road, Hayward, CA	1951 Mickey Mantle Bowman #253 RC Gem-10 Card	\$7,199
3	5/15/03	Mike Gouveia P.O. Box 51 San Lorenzo, CA 94580	1952 Topps Mickey Mantle RC #311 Gem-10 Card	\$10,000
4	9/18/03	Mike Gouveia P.O. Box 51 San Lorenzo, CA 94580	1951 Bowman #253 Mickey Mantle Rookie Gem-10	\$2,100
5	11/28/03	Mike Gouveia, P.O. Box 51 San Lorenzo, CA 94580	Five 1986 Michael Jordan Fleer RC	\$5,051.20

26 All in violation of Title 18, United States Code, Section 1341.

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COUNTS SIX THROUGH TEN: (18 U.S.C. § 1343 - Wire Fraud)

11. The allegations in paragraphs 1-8, including the scheme to defraud described therein, are realleged and incorporated herein as if set forth in full.

THE USE OF THE WIRES

12. On or about the dates listed below, in the Northern District of California and elsewhere, for the purpose of executing the aforementioned scheme and artifice to defraud and attempting to do so, the defendant,

MICHAEL WILLIAM GOUVEIA,

as more specifically set forth below, did knowingly transmit and cause to be transmitted in interstate and foreign commerce, by means of a wire communication, certain signs and signals, as described below:

COUNT	DATE	SENDER	RECIPIENT	WIRE	AUCTION
6	06/3/02	eBay user in Connecticut	eBay server in San Jose, California	Electronic bid of \$999.99 for auction hosted by User ID "allnetallday"	1986 Michael Jordan Fleer Rookie Gem-10 Card
7	12/2/02	eBay user in Michigan	eBay server in San Jose, California	Electronic bid of \$7,199 for auction hosted by User ID "sports-world-inc"	1951 Mickey Mantle Bowman #253 RC Gem-10 Card
8	5/13/03	SportsWorldInc@aol.com from Alameda County, California	eBay user in Ohio	E-mail containing address for payment	1952 Topps Mickey Mantle RC #311 Gem-10 Card
9	9/14/03	SportsWorldInc@aol.com from Alameda County, California	eBay user in Ohio	E-mail notifying eBay user that more funds are required to complete the transaction	1951 Bowman #253 Mickey Mantle Rookie Gem-10

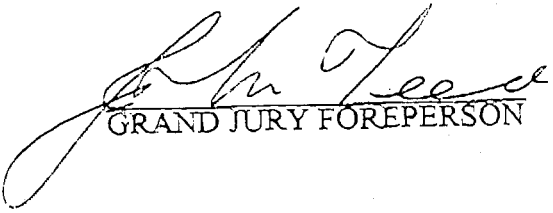
ENHANCEMENT ALLEGATIONS

15. As to each count, the scheme was committed through mass-marketing.

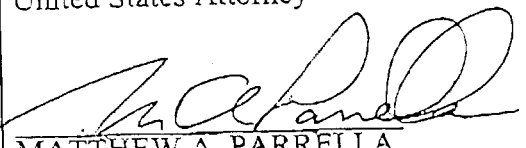
16. As to each count, the amount of loss was more than \$30,000 and not more than \$70,000.

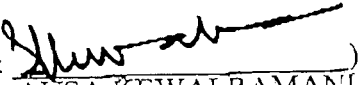
DATED: 11-17-04

A TRUE BILL


GRAND JURY FOREPERSON

KEVIN V. RYAN
United States Attorney


MATTHEW A. PARRELLA
Chief, San Jose Branch Office

(Approved as to form: )

AUSA KEWALRAMANI